



Date: November 1, 2024

To: Michigan Department of Health and Human Services Body Art Rules Committee

From: Angela Parsons, MA, Senior Management Analyst, Washtenaw County Health Department, Environmental Health Division

The Washtenaw County Health Department has participated in the State of Michigan Body Art Workgroup since its inception over a decade ago. We are pleased that Rules have been drafted to accompany Public Act 375, the State of Michigan Body Art Law, and that the Rules are moving through the legislative process. Our staff worked with other local health departments and with body art facilities in crafting language that now appears in the proposed Rules.

Our Health Department supports the passage of the proposed Rules for Body Art Facilities, with minor suggested changes included here. These Rules provide clarity, protect the health and safety of body art clients, and establish an improved enforcement mechanism.

Thank you for the work that has gone into developing these Rules, and for allowing our feedback.

R 333.13101 Definitions.

(aa) "Hand washing sink" means a sink equipped to provide water ~~with both hot and cold temperatures~~ **at a temperature of at least 85°F (29.4°C)** through a mixing valve or combination faucet, used solely for washing hands, arms, or prosthetics. **A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet. An automatic handwashing facility shall be installed in accordance with manufacturer's instructions.**

- *Aligns handwashing sink requirement with [2022 FDA Food Code](#).*

(bb) "Instruments" means needles, needles attached to the needle bars, body piercing needles, razors, scarification implements, and other devices that may come in contact with a client's body or that may have possible exposure to ~~bodily fluids~~ **blood or other potentially infectious material** during the body art procedure.

- *OPIM is defined; bodily fluids is not.*

(hh) "Municipal solid waste" means common trash or garbage that does not meet the definition of hazardous or ~~biomedical~~ waste.

- *Medical waste is defined; biomedical waste is not.*

Washtenaw County Health Department
555 Towner Street • Ypsilanti, MI 48198
Phone: 734-544-6700 • Fax: 734-544-6705
washtenaw.org/health



Environmental Health Division
705 N Zeeb Road • Ann Arbor, MI 48103
Phone: 734-222-3800 • Fax: 734-222-3930
washtenaw.org/envhealth

(jj) “Operator” means a person that controls any interest in, operates, or manages a body art facility and is responsible for compliance with these ~~regulations~~ **rules**, whether or not actually performing body art activities.

- *Corrects terminology.*

(xx) “Single-use, disposable” means products or items that are intended for 1-time, 1-individual use and are disposed of after use on each client, including, but not limited to, the following:

- (i) Cotton swabs or cotton balls.
- (ii) Tissues or paper products.
- (iii) Paper or plastic cups.
- (iv) Gauze and sanitary coverings.
- (v) Razors.
- (vi) Needles.
- (vii) Scalpel blades.
- (viii) Stencils, **including marking pens, pencils, or string, or other such materials.**
- (ix) Ink cups.
- (x) Protective gloves.

- *Adds clarity that these items are single-use only.*

R 333.13109 Requirements for body art technicians and other individuals with potential exposure to blood and OPIM; adoption of youth employment standards; violations considered critical violations.

(12) ~~Body art technicians and other individuals, such as assistants,~~ **All personnel working in the body art facility** with the potential for exposure to blood and OPIM shall perform appropriate hand washing when performing, setting up for, or cleaning up after procedures. At a minimum, hand washing must be performed at all of the following times:

- *Provides consistent language with other sections. Some individuals who set up or clean up are not “body art technicians” and the term “assistants” is not defined.*

R 333.13113 Preparation and care of body art area; conducting procedure; violations considered critical violations.

(15) ~~If Only~~ rotary pen tattoo machines **are used, only machines** that utilize presterilized, single-use needle cartridge systems with appropriate backflow prevention devices, such as membranes or barriers, or those equipped with detachable, single-use disposable sterile combo couplers and detachable, single-use disposable casings or casings that can be cleaned and sterilized, are allowed for use.

- *Clarifies that other machines are also allowed, and that this section only applies to rotary pens.*

R 333.13114 Body art jewelry; prohibitions; composition; violations considered critical violations.

(4) All body jewelry used for piercing must be new and unused, cleaned in accordance with the jewelry manufacturer’s instructions, and sterilized before use. If the manufacturer does not provide instructions for use, the item ~~should~~ **must** be inspected for cleanliness and sterilized in an autoclave according to the autoclave manufacturer’s instructions.

- *Clarifies that this is a requirement, not optional.*